

## REMARKS

Claims 7-13 are currently pending. Claims 7 and 11 are amended. No new matter is presented. In view of the above amendments and the following remarks, Applicants request the favorable consideration and allowance of claims 7-13.

### *Objections*

The Examiner objects to claim 7 and its dependent claims 8-10 because of an informality. Further, the Examiner objects to the specification, contending that the specification fails to provide proper antecedent basis for the amended claim language, “wherein a diagnosis by an operator is not used in carrying out a similarity analysis.” Applicant has amended claims 7 and 11 to eliminate the language objected to, thereby rendering the objections moot.

### *Rejections pursuant to 35 U.S.C. 112*

The Examiner rejects claims 7 and 11 pursuant to 35 U.S.C. 112, first paragraph, for failure to comply with the written description requirement. The Examiner also rejects claims 7 and 11 pursuant to 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has amended claims 7 and 11 to remove the language that formed the basis of the rejections, thereby rendering the rejections moot.

### *Rejection pursuant to 35 U.S.C. 102*

The Examiner rejects claims 7-13 under 35 U.S.C. 102(a) as being anticipated by Sinclair et al. (U.S. PGPUP 2002/0052551). The Examiner takes the position that Sinclair teaches or suggests all the features recited in claims 7-13. Applicants respectfully disagree.

Sinclair teaches a centralized database (“CDB”) of “all patient images, reports, demographic data, and other identifying information.” (Sinclair ¶24.) The database permits one to view “the progress or regression of a patient’s retinopathy ... at the individual lesion level.” (*Id.*) The database can also provide “information on retinopathies in the general

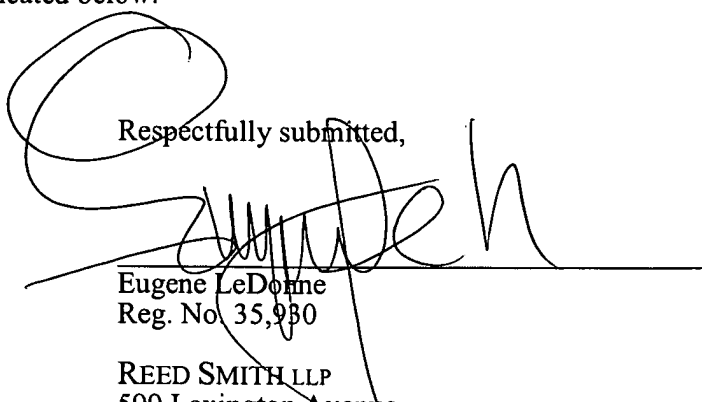
population.” (*Id.* ¶25.) Thus, Sinclair teaches a database in which a user can search the history of a specific patient’s retinopathy, or search for images with the same or a similar diagnosis.

Amended claims 7 and 11 specify that the claimed invention must determine “deviations *from the contextual information* from a stored comparison image and/or by a standard image created by evaluating a plurality of comparison images of a similar pathology.” The invention does not search for images having the same or a similar diagnosis, but images having extensive agreement in “contextual information,” such as recording parameters of the camera, patient-specific information, or similar image contents (for example, by evaluation of histograms).

Sinclair does not teach or suggest the determination of deviations from the contextual information from a stored comparison image. (*See* Sinclair ¶119-146.) Rather, Sinclair teaches finding images based on patient identity or general diagnosis. Accordingly, Sinclair does not teach or suggest all the claimed features of claims 7 and 11, or of dependent claims 8-10 and 12-13. Thus, Applicant respectfully requests the withdrawal of the Examiner’s rejection.

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



Eugene LeDonne  
Reg. No. 35,930

REED SMITH LLP  
599 Lexington Avenue  
29<sup>th</sup> Floor  
New York, NY 10022  
(P) 212-521-5400

Attorney for Applicant